

REMARKS

Regarding the Amendments

By the present amendment, cancellation of claims 42-45 is requested, without prejudice. No claims have been amended as set forth in the above complete listing of the claims. As pending, the claims are supported by the specification and the original claims. Thus, upon entry of the amendments, claims 2-5, 16-19, and 40 will be pending. These claims are allowed.

Rejection Under 35 U.S.C. § 112

Applicants respectfully traverse the rejection of claims 42-45 under 35 U.S.C. § 112, first paragraph, for containing subject matter allegedly not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors had possession of the invention at the time of filing of the Application. In particular, it was alleged in Paper No. 10 and is reiterated in Paper No. 30 that claims 42-45 are directed to a hybrid which can encompass combinations of zinc finger modules obtained from literally any zinc finger protein that possesses the ability to bind a sequence different from a sequence bound by the individual molecules of the first protein and the second protein. Applicants respectfully draw the Examiner's attention to the complete listing of the claims set forth above. Cancellation of claims 42-45 has been requested, without prejudice. As claims 42-45 are no longer pending, it is respectfully submitted that the rejection is moot. Withdrawal of the rejection is therefore requested.

Additionally claims 42-45 are rejected under 35 U.S.C. § 112, first paragraph, as comprising a new limitation not supported in the specification. Applicants respectfully traverse this rejection. However, as claims 42-45 are no longer pending, it is respectfully submitted that the rejection is moot. Withdrawal of the rejection is therefore requested.

Applicants respectfully traverse the rejection of claims 42-45 under 35 U.S.C. § 112, second paragraph as allegedly indefinite for failing to point out and distinctly claim the subject matter of the invention. As cancellation of claims 42-45 has been requested, it is respectfully submitted that this rejection is moot and withdrawal is requested.

CONCLUSION

In summary, Applicants note that claims 2-5, 16-19 and 40 were indicated in Paper No. 30 to be allowable. Upon entry of the amendments, these claims are the only claims pending in the application. If the Examiner would like to discuss any of the issues raised in the Office Action, Applicant's representative can be reached at (858) 677-1456. Please charge any additional fees, or make any credits, to Deposit Account No. 50-1355.

Respectfully submitted,

Date: November 21, 2003



Lisa A. Haile, J.D., Ph.D.
Registration No. 38,347
Telephone: (858) 677-1456
Facsimile: (858) 677-1465

GRAY CARY WARE & FREIDENRICH LLP
4365 Executive Drive, Suite 1100
San Diego, California 92121-2133
USPTO Customer Number 28213